

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 L-03 COME-00 TRSE-00 CIAE-00

INR-07 NSAE-00 STR-04 OMB-01 CIEP-01 SAJ-01 PA-01

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FM AMEMBASSY BUCHAREST

TO SECSTATE WASHDC PRIORITY 110

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E.O. 11652: N/A

TAGS: EEWT, ETRD, RO, US

SUBJ: US-ROMANIAN LONG TERM ECONOMIC COOPERATION AGREEMENT

REF: (A) STATE 257906; (B) STATE 257905; (C) STATE 237693

1. SUMMARY. WE REVIEWED WITH STANCA ON OCTOBER 20 OUTSTANDING POINTS RELATING TO DRAFT AGREEMENT ON BASIS OF DEPARTMENT'S PROMPT, HELPFUL INSTRUCTIONS (REFTELS A AND B). WE CONFIRMED ENGLISH TEXT OF ARTICLE II, 3 AND ACCEPTED ROMANIAN QUALIFIER ON ANNEX 1-1 (C), BUT WERE UNABLE TO NAIL DOWN ELUSIVE ROMANIAN TRANSLATION OF "AS EXPEDITIOUSLY AS IS FEASIBLE." ROMANIANS HAVE PROBLEM WITH USE OF "CETATENI" IN ONE PLACE (ARTICLE II, 6) AND WERE UNCERTAIN WHETHER "GHUIDURI" OR "REPERTOARE" (TERM USED IN CSCE IS MORE SATISFACTORY RENDERING OF "DIRECTORIES." FINALLY, WE AGREED TO SEEK GUIDANCE WHETHER "OR UNDERSTANDINGS" COULD NOT BE RETAINED (ART. VII, PARA 2). WE ARE AIMING TOWARD RESOLUTION OF ALL REMAINING POINTS BY OCTOBER 27 WITH INITIALING OF ADDENDUM TO AGREED MINUTES DAY OR TWO THEREAFTER. FOR OCTOBER 27 MEETING WE ARE SEEKING FURTHER INSTRUCTIONS. END SUMMARY.

2. IN MEETING WITH STANCA YESTERDAY WE COVERED ALL REMAINING ISSUES RELATED TOPICALLY IN FOLLOWING PARAGRAPHS. WHILE WE HAVE VIRTUALLY SETTLED ON ENGLISH-LANGUAGE TEXT, THERE REMAIN SEVERAL QUESTIONS OF CONFORMITY BETWEEN ENGLISH AND ROMANIAN VERSIONS, AT LEAST ONE OF WHICH COULD BE TROUBLESOME.

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3. ARTICLE II, 3

WE CONFIRMED THAT ENGLISH TEXT WILL BE AS WE PROVIDED EARLIER
(PARA 1, BUCHAREST 6105), WITH ELIMINATION OF BOTH

ST SENTENCE

AND OPENING PHRASE OF SECOND SENTENCE ("IN LIGHT OF THE ABOVE...").
ROMANISN STILL WRESTLING WITH TRANSLATION OF "AS EXPEDITIOUSLY
AS IS FEASIBLE," WHICH HAS NO HAPPY ROMANIAN EQUIVALENT. WE
HAVE AGAIN PLUGGED AMBASSADOR'S SUGGESTED SOLUTION OF "CIT MAI
OPERATIVE FEZABIL" TO WHICH PATAN AGREED.

4. ARTICLE VI

STANCA WAS ADAMANTLY OPPOSED TO OUR PROPOSAL TO DELETE "OR UNDER-
STANDINGS" FROM SECOND PARAGRAPH. HE REJECTED DEPARTMENT'S ARGUMENT
THAT INCLUSION OF "OR UNDERSTANDINGS" IN FIRST PARAGRAPH WAS
ADEQUATE RESOLUTION OF GROUNDS THAT FIRST PARA DID NMN COVER
RIGHTS AND OBLIGATIONS ARISING FROM UNDERSTANDINGS ENTERED INTO
PURSUANT TO LONG-TERM AGREEMENT ITSELF. WITHOUT KNOWING
DEPARTMENT'S CONCERN, WE THINK STANCA MAY HAVE POINT. MORE
IMPORTANT FROM OUR PERSPECTIVE IS THAT, SINCE CONTRACTUAL RIGHTS
ARE EXPRESSLY MENTIONED, OUR OBJECTIVE APPEARS SATISFIED WHETHER
OR NOT WE AGREE TO INSERT "OR UNDERSTANDINGS." SHOULD DEPARTMENT
WISH US TO CONTINUE TO OPPOSE INSERTION OF "OR UNDERSTANDINGS"
IN SECOND PARA, WE WOULD APPRECIATE RECEIVING ARGUMENTATION.

5. ANNEX 1-1 (C)

IN ACCORDANCE WITH AMBASSADOR'S IMPLICIT AGREEMENT WITH PATAN THAT
WE MIGHT FIND SOLUTION TO THIS QUESTION OF ROMANIANS WERE MORE
FORTHCOMING ON ARTICLE II, 3 AND ON BASIS OF DEPARTMENT'S EARLIER
AUTHORIZATION (PARA 1, STATE 237693), WE RELUCTANTLY BUT MAGNINI-
MOUSLY DROPPED BRACKETS AROUND REDUNDANT ROMANIAN QUALIFIER.
TEXT IS UNCHANGED FROM EARLIER NEGOTIATED PROPOSAL (PARA 3,
STATE 237693).

6. "NATIONALS" VS. "CETATENI"PERSOANE"

STANCA RESERVED HIS POSITION AT OUTSET, OBSERVING THAT AS NON-
LAWYER HE WAS NOT COMPETENT TO MAKE THIS LEGAL JUDGMENT AND
LAMENTING THAT HE WASN'T SURE WHICH MINISTRY WAS. HE SAW NO
PROBLEM WITH USE OF "PERSOANE" IN ARTICLE VI, PARA 2 AND IN
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THREE PLACES IN ANNEX, NOR DID HE TAKE EXCEPTION TO OUR INSISTENCE
ON "CETATENI" IN ART. I, 4 AND I, 5. HE WAS, HOWEVER, TROUBLED
BY USE OF CETATENI" IN ART. II, 6 AND PROFESSED TO SEE NO
REASON WHY WE ARE PREPARED TO ACCEPT "PERSOANE" IN ART. VI,
PARA 2 BUT NOT IN ART. II, 6. WE OBSERVED THAT NOT ALL FINANCIAL
TRANSACTIONS WOULD BE CONSIDERED CONTRACTS BUT, NOTING DEPARTMENT
DID NOT OFFER SPECIFIC RATIONALE FOR OUR WANTING "CETATENI" IN
ART. II, 6, WE DID NOT PRESS POINT. WE WOULD APPRECIATE DEPARTMENT

PROVIDING US WITH SOME AMMUNITION WE MIGHT USE IF NEEDED ON THIS POINT OR, ALTERNATIVELY, AUTHORITY TO ACCEDE TO USE OF "PERSOANE" IN ART. II, 6.

7. GHUIDURI

WE SUGGESTED TO STANCA POSSIBLE SUBSTITUTION OF TERM FOR DIRECTORIES (REPERTOARE) IN ROMANIAN TRANSLATION OF CSCE FINAL ACT. STANCA FELT "REPERTOARE" TO BE WIDE OF MARK CONSIDERING WHAT HE UNDERSTANDS WE WERE DRIVING AT IN NUMEROUS DISCUSSIONS OF THIS TERM. WE ARE INCLINED TO TAKE ROMANIAN BEST ADVICE HERE, WHICH THEY HAVE PROMISED, UNLESS LANGUAGE SERVICES IS ESPECIALLY ENAMoured WITH "REPERTOARE."

8. ADDENDUM. STANCA IS AGREEABLE TO PROPOSED ADDENDUM TO AGREED MINUTE, DRAFTING OF WHICH HE SEEMED HAPPY TO LEAVE TO US. WE ARE TENTATIVELY SCHEDULED TO HAVE MEETING ON OCTOBER 27 TO GO OVER REMAINING TEXTUAL PROBLEMS AND DRAFT ADDENDUM AND TO FIX DATE (POSSIBLY AS EARLY AS FOLLOWING DAY) FOR INITIALING.

9. ACTION REQUESTED: WE REQUEST DEPARTMENT'S GUIDANCE ON ARTICLE 6 ("OR UNDERSTANDINGS") AND ARTICLE II, 6 ("CETATENI") BY OPENING OF BUSINESS ON OCTOBER 27.
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